

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Blumenfield

February 8, 2010

An act to add and repeal Article 6.5 (commencing with Section 217) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as introduced, Blumenfield. Design-sequencing contracts.

Until January 1, 2010, the Department of Transportation was authorized to conduct a pilot project to let design-sequencing contracts, as defined, for design and construction of not more than 12 transportation projects. These provisions are now repealed.

This bill would reenact similar provisions, applicable to up to 10 transportation projects, to be effective until January 1, 2014. The bill would require a report to the Legislature describing and evaluating the outcome of the contracts undertaken pursuant to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 6.5 (commencing with Section 217) is
- 2 added to Chapter 1 of Division 1 of the Streets and Highways
- 3 Code, to read:

Article 6.5. Design-Sequencing Demonstration and Evaluation
Program

217. The following definitions apply for the purposes of this article:

(a) “Design” is a plan completed to a level of 30 percent.

(b) “Design-sequencing” is a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction.

(c) A “design-sequencing contract” is a contract between the department and a contractor that requires the department to prepare a design and permits construction of a project to commence upon completion of design for a construction phase.

217.1. (a) Notwithstanding Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, except Section 10128 of that code, and Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, the department may let design-sequencing contracts for the design and construction of not more than 10 transportation projects, to be selected based on criteria established by the director. For the purpose of this article, these projects shall be deemed public works.

(b) In selecting projects for the program authorized under subdivision (a), the director shall attempt to balance geographical areas among projects as well as pursue diversity in the types of projects undertaken. In this process, the director shall consider selecting projects that improve interregional and intercounty routes.

(c) To the extent available, the department shall seek to incorporate existing knowledge and experience on design-sequencing contracts in carrying out its responsibilities under subdivision (a).

217.2. Not later than July 1, 2011, and July 1 of each subsequent year during which a contract under the program, as described in Section 217.1, is in effect, the department shall prepare a status report on its contracting methods, procedures, costs, and delivery schedules. Notwithstanding Section 217.4, upon completion of all design-sequencing contracts, but in no event later than December 31, 2013, the department shall establish a peer review committee or continue in existence the peer review

1 committee created pursuant to former Section 217.4, which was
2 added by Chapter 378 of the Statutes of 1999, and direct that
3 committee to prepare a report for submittal to the Legislature that
4 describes and evaluates the outcome of the contracts provided for
5 in Section 217.1, stating the positive and negative aspects of using
6 design-sequencing as a contracting method.

7 217.3. Design-sequencing contracts under the program, as
8 described in Section 217.1, shall be awarded in accordance with
9 both of the following:

10 (a) The department shall advertise design-sequencing projects
11 by special public notice to contractors.

12 (b) Contractors shall be required to provide prequalification
13 information establishing appropriate licensure and successful past
14 experience with the proposed work.

15 217.4. This article shall remain in effect only until January 1,
16 2014, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, 2014, deletes or extends that date.